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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   ) CASE NO. CR05-366-RSL  
10    )  
11       Plaintiff,                                      )  
12    )  
13       v.    ) SUMMARY REPORT OF U.S.  
14    )  
15       LISE BUSCHER,                                    ) MAGISTRATE JUDGE AS TO  
16    ) ALLEGED VIOLATIONS  
17       Defendant.                                      ) OF SUPERVISED RELEASE  
18    )  
19    )  
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21   An evidentiary hearing on supervised release revocation in this case was scheduled before  
22 me on May 1, 2007. The United States was represented by AUSA Mark Parrent and the  
23 defendant by Jay Stansell. The proceedings were digitally recorded.

24   Defendant had been sentenced on or about April 16, 2004 by the Honorable Marvin Katz  
25 in the Eastern District of Pennsylvania on a charge of Mail Fraud and Wire Fraud, and sentenced  
26 to 12 months custody, three years supervised release. (Dkt. 4, page 12). The case was transferred  
27 to this District for supervision on September 29, 2005. (Dkt. 1.)

28   The conditions of supervised release included the standard conditions plus the requirement  
29 that defendant pay restitution in the amount of \$28,290.00.

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE  
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01       On July 3, 2006, the conditions of supervision were modified to require residence in a  
02 halfway house for up to 120 days. (Dkt. 13.) On July 13, 2006, the defendant admitted violating  
03 the conditions of supervision by committing the crime of unlawful issuance of bank checks, failing  
04 to notify the probation officer within 72 hours of being arrested, failing to follow the instructions  
05 of the probation officer, failing to submit truthful and complete monthly reports, failing to pay  
06 restitution, failing to notify third parties as required, and being self-employed and accepting  
07 employment without approval of her probation officer. (Dkt. 15.). Defendant was required to  
08 reside in a halfway house for up to 270 days and supervised release was reimposed for 34 months.  
09 (Dkt. 20, 21). Additional conditions of release were imposed requiring defendant to submit to  
10 drug testing, and abstain from the use of alcohol and participate in alcohol treatment.

11       On February 16, 2007, defendant's probation officer reported that she had used alcohol  
12 on two occasions. She was reprimanded, placed in a structured testing program, and the  
13 frequency of testing was increased. No further action was taken at the time. (Dkt. 22.)

14       In an application dated April 5, 2007 (Dkt. 23), Senior U.S. Probation Officer Jennifer J.  
15 Tien alleged the following violations of the conditions of supervised release:

16           1.       Using alcohol on or before February 3 and 10th, 2007 in violation of the special  
17 condition that she abstain from alcohol.

18           2.       Failing to submit monthly supervision reports for the months of December 2006,  
19 January, February and March 2007, in violation of standard condition number two.

20           3.       Failing to report to U.S. Probation as instructed on Monday, April 2, 2007 and  
21 Tuesday, April 3, 2007 in violation of standard condition number two.

22           4.       Failing to attend MRT (Moral Reconation Therapy) since January 2007 as

instructed in violation of the special condition of mental health aftercare.

5. Failing to report change in residence since March 22, 2007 or employment 10 days prior to any change in residence or employment in violation of standard condition number six.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 31.) Defendant explained that with regard to violation number 3, she admitted that she did not report as directed, but that she had called her probation officer to say that she could not attend the meeting. She admitted that she did not follow up to reschedule the meeting. With regard to violation number 5, defendant admitted that she had spent the time period of March 30 to April 12, 2007 with a friend in Anacortes, and not at her residence.

I therefore recommend the Court find defendant violated her supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Lasnik.

Pending a final determination by the Court, defendant has been detained.

DATED this 1st day of May, 2007.

  
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Mary Alice Theiler  
United States Magistrate Judge

cc: District Judge: Honorable Robert S. Lasnik  
AUSA: Mark Parrent  
Defendant's attorney: Jay Stansell  
Probation officer: Jennifer J. Tien